

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.455 OF 2004

The State of Maharashtra

Appellant

vs.

Ashok Shrikisan Pankhede & ors.

Respondents

Mrs. V. R. Bhonsale, A.P.P. for the appellant.

None for the respondents.

**CORAM : R. M. LODHA &
R. S. MOHITE, JJ.**

DATED : 11th January 2005

P.C.

The respondents 1 to 4 were put for trial for the offences punishable under Section 302 read with 34, 394 and 392 read with 397 of I.P.C. After the conclusion of trial, the learned Additional Sessions Judge found the respondents guilty of the offence punishable under section 326 read with 34 I.P.C. and sentenced them to suffer rigorous imprisonment for five years and the fine of Rs.500/- each was imposed and in default of payment of fine, they have been directed to suffer rigorous imprisonment for six months. The respondents have been convicted under Section 394 I.P.C. as well and they have been sentenced to suffer rigorous imprisonment for five years and a fine of Rs.1,000/- each has been imposed upon them and in default to suffer rigorous for further one year. The sentences have been ordered to run concurrently. It may be noticed that the respondents were acquitted of the offences punishable

under Section 302 read with 34 IPC.

2. The prosecution has come up in appeal aggrieved by the deficient sentence for the offences proved against the accused respondents. The prosecution is not aggrieved by the acquittal of the respondents in so far as charge under Section 302 read with 34 of IPC is concerned.

3. Having heard the learned APP Mrs.Bhonsale, we are of the view that the sentence awarded by the learned Additional Sessions Judge for the offence punishable under Section 326 read with 34 as well as section 394 IPC is not inadequate warranting further enhancement by this Court.

4. No case for interference is made out in the sentence.

5. Criminal appeal is, accordingly, rejected.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)